

AMENDMENT TO H.R. 451
OFFERED BY MR. WALDEN OF OREGON

Add at the end the following:

1 **SEC. 3. CLARIFYING ACCEPTABLE 9-1-1 OBLIGATIONS OR**
2 **EXPENDITURES.**

3 Section 6 of the Wireless Communications and Public
4 Safety Act of 1999 (47 U.S.C. 615a-1) is amended—

5 (1) in subsection (f)—

6 (A) in paragraph (1), by striking “as spec-
7 ified in the provision of State or local law
8 adopting the fee or charge” and inserting “con-
9 sistent with the purposes and functions des-
10 igned in the final rules issued under para-
11 graph (3) as purposes and functions for which
12 the obligation or expenditure of such a fee or
13 charge is acceptable”;

14 (B) in paragraph (2), by striking “any
15 purpose other than the purpose for which any
16 such fees or charges are specified” and insert-
17 ing “any purpose or function other than the
18 purposes and functions designated in the final
19 rules issued under paragraph (3) as purposes
20 and functions for which the obligation or ex-

1 penditure of any such fees or charges is accept-
2 able”; and

3 (C) by adding at the end the following:

4 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-
5 TURES.—

6 “(A) RULES REQUIRED.—In order to pre-
7 vent diversion of 9–1–1 fees or charges, the
8 Commission shall, not later than 180 days after
9 the date of the enactment of this paragraph,
10 issue final rules designating purposes and func-
11 tions for which the obligation or expenditure of
12 9–1–1 fees or charges, by any State or taxing
13 jurisdiction authorized to impose such a fee or
14 charge, is acceptable.

15 “(B) PURPOSES AND FUNCTIONS.—The
16 purposes and functions designated under sub-
17 paragraph (A) shall be limited to the support
18 and implementation of 9–1–1 services provided
19 by or in the State or taxing jurisdiction impos-
20 ing the fee or charge and operational expenses
21 of public safety answering points within such
22 State or taxing jurisdiction. In designating such
23 purposes and functions, the Commission shall
24 consider the purposes and functions that States
25 and taxing jurisdictions specify as the intended

1 purposes and functions for the 9–1–1 fees or
2 charges of such States and taxing jurisdictions,
3 and determine whether such purposes and func-
4 tions directly support providing 9–1–1 services.

5 “(C) CONSULTATION REQUIRED.—The
6 Commission shall consult with public safety or-
7 ganizations and States and taxing jurisdictions
8 as part of any proceeding under this paragraph.

9 “(D) DEFINITIONS.—In this paragraph:

10 “(i) 9–1–1 FEE OR CHARGE.—The
11 term ‘9–1–1 fee or charge’ means a fee or
12 charge applicable to commercial mobile
13 services or IP-enabled voice services spe-
14 cifically designated by a State or taxing ju-
15 risdiction for the support or implementa-
16 tion of 9–1–1 services.

17 “(ii) 9–1–1 SERVICES.—The term ‘9–
18 1–1 services’ has the meaning given such
19 term in section 158(e) of the National
20 Telecommunications and Information Ad-
21 ministration Organization Act (47 U.S.C.
22 942(e)).

23 “(iii) STATE OR TAXING JURISDIC-
24 TION.—The term ‘State or taxing jurisdic-
25 tion’ means a State, political subdivision

1 thereof, Indian Tribe, or village or regional
2 corporation serving a region established
3 pursuant to the Alaska Native Claims Set-
4 tlement Act (43 U.S.C. 1601 et seq.).

5 “(4) PARTICIPATION.—If a State or taxing ju-
6 risdiction (as defined in paragraph (3)(D)) receives
7 a grant under section 158 of the National Tele-
8 communications and Information Administration Or-
9 ganization Act (47 U.S.C. 942) after the date of the
10 enactment of this paragraph, such State or taxing
11 jurisdiction shall, as a condition of receiving such
12 grant, provide the information requested by the
13 Commission to prepare the report required by para-
14 graph (2).

15 “(5) PETITION REGARDING ADDITIONAL PUR-
16 POSES AND FUNCTIONS.—

17 “(A) IN GENERAL.—A State or taxing ju-
18 risdiction (as defined in paragraph (3)(D)) may
19 submit to the Commission a petition for a de-
20 termination that an obligation or expenditure of
21 a 9–1–1 fee or charge (as defined in such para-
22 graph) by such State or taxing jurisdiction for
23 a purpose or function other than a purpose or
24 function designated under paragraph (3)(A)
25 should be treated as such a purpose or function.

1 If the Commission finds that the State or tax-
2 ing jurisdiction has provided sufficient docu-
3 mentation to make the demonstration described
4 in subparagraph (B), the Commission shall
5 grant such petition.

6 “(B) DEMONSTRATION DESCRIBED.—The
7 demonstration described in this subparagraph is
8 a demonstration that the purpose or function—

9 “(i) supports public safety answering
10 point functions or operations; or

11 “(ii) has a direct impact on the ability
12 of a public safety answering point to—

13 “(I) receive or respond to 9–1–1
14 calls; or

15 “(II) dispatch emergency re-
16 sponders.”; and

17 (2) by adding at the end the following:

18 “(j) SEVERABILITY CLAUSE.—If any provision of this
19 section or the application thereof to any person or cir-
20 cumstance is held invalid, the remainder of this section
21 and the application of such provision to other persons or
22 circumstances shall not be affected thereby.”.

23 **SEC. 4. PROHIBITION ON 9-1-1 FEE OR CHARGE DIVERSION.**

24 (a) IN GENERAL.—If the Commission obtains evi-
25 dence that suggests the diversion by a State or taxing ju-

1 jurisdiction of 9–1–1 fees or charges, the Commission shall
2 submit such information, including any information re-
3 garding the impact of any underfunding of 9–1–1 services
4 in the State or taxing jurisdiction, to the interagency
5 strike force established under subsection (c).

6 (b) REPORT TO CONGRESS.—Beginning with the first
7 report under section 6(f)(2) of the Wireless Communica-
8 tions and Public Safety Act of 1999 (47 U.S.C. 615a–
9 1(f)(2)) that is required to be submitted after the date
10 that is 1 year after the date of the enactment of this Act,
11 the Commission shall include in each report required
12 under such section all evidence that suggests the diversion
13 by a State or taxing jurisdiction of 9–1–1 fees or charges,
14 including any information regarding the impact of any
15 underfunding of 9–1–1 services in the State or taxing ju-
16 risdiction.

17 (c) INTERAGENCY STRIKE FORCE TO END 9–1–1
18 FEE OR CHARGE DIVERSION.—

19 (1) ESTABLISHMENT.—Not later than 180 days
20 after the date of the enactment of this Act, the
21 Commission shall establish an interagency strike
22 force to study how the Federal Government can
23 most expeditiously end diversion by a State or taxing
24 jurisdiction of 9–1–1 fees or charges. Such inter-
25 agency strike force shall be known as the “Ending

1 9–1–1 Fee Diversion Now Strike Force” (in this
2 section referred to as the “Strike Force”).

3 (2) DUTIES.—In carrying out the study under
4 paragraph (1), the Strike Force shall—

5 (A) determine the effectiveness of any Fed-
6 eral laws, including regulations, policies, and
7 practices, or budgetary or jurisdictional con-
8 straints regarding how the Federal Government
9 can most expeditiously end diversion by a State
10 or taxing jurisdiction of 9–1–1 fees or charges;

11 (B) consider whether criminal penalties
12 would further prevent diversion by a State or
13 taxing jurisdiction of 9–1–1 fees or charges;
14 and

15 (C) determine the impacts of diversion by
16 a State or taxing jurisdiction of 9–1–1 fees or
17 charges.

18 (3) MEMBERS.—The Strike Force shall be com-
19 posed of such representatives of Federal depart-
20 ments and agencies as the Commission considers ap-
21 propriate, in addition to—

22 (A) State attorneys general;

23 (B) States or taxing jurisdictions found
24 not to be engaging in diversion of 9–1–1 fees
25 or charges;

1 (C) States or taxing jurisdictions trying to
2 stop the diversion of 9–1–1 fees or charges;

3 (D) State 9–1–1 administrators;

4 (E) public safety organizations;

5 (F) groups representing the public and
6 consumers; and

7 (G) groups representing public safety an-
8 swering point professionals.

9 (4) REPORT TO CONGRESS.—Not later than
10 270 days after the date of the enactment of this Act,
11 the Strike Force shall publish on the website of the
12 Commission and submit to the Committee on En-
13 ergy and Commerce of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate a report on the find-
16 ings of the study under this subsection, including—

17 (A) any recommendations regarding how to
18 most expeditiously end the diversion by a State
19 or taxing jurisdiction of 9–1–1 fees or charges,
20 including actions that can be taken by Federal
21 departments and agencies and appropriate
22 changes to law or regulations; and

23 (B) a description of what progress, if any,
24 relevant Federal departments and agencies have

1 made in implementing the recommendations
2 under subparagraph (A).

3 (d) **FAILURE TO COMPLY.**—Notwithstanding any
4 other provision of law, any State or taxing jurisdiction
5 identified by the Commission in the report required under
6 section 6(f)(2) of the Wireless Communications and Public
7 Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging
8 in diversion of 9–1–1 fees or charges shall be ineligible
9 to participate or send a representative to serve on any
10 committee, panel, or council established under section
11 6205(a) of the Middle Class Tax Relief and Job Creation
12 Act of 2012 (47 U.S.C. 1425(a)) or any advisory com-
13 mittee established by the Commission.

14 **SEC. 5. RULE OF CONSTRUCTION.**

15 Nothing in this Act, the Wireless Communications
16 and Public Safety Act of 1999 (Public Law 106–81), or
17 the Communications Act of 1934 (47 U.S.C. 151 et seq.)
18 shall be construed to prevent a State or taxing jurisdiction
19 from requiring an annual audit of the books and records
20 of a provider of 9–1–1 services concerning the collection
21 and remittance of a 9–1–1 fee or charge.

22 **SEC. 6. DEFINITIONS.**

23 In this Act:

24 (1) **9–1–1 FEE OR CHARGE.**—The term “9–1–
25 1 fee or charge” has the meaning given such term

1 in subparagraph (D) of paragraph (3) of section 6(f)
2 of the Wireless Communications and Public Safety
3 Act of 1999, as added by this Act.

4 (2) 9–1–1 SERVICES.—The term “9–1–1 serv-
5 ices” has the meaning given such term in section
6 158(e) of the National Telecommunications and In-
7 formation Administration Organization Act (47
8 U.S.C. 942(e)).

9 (3) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

11 (4) DIVERSION.—The term “diversion” means,
12 with respect to a 9–1–1 fee or charge, the obligation
13 or expenditure of such fee or charge for a purpose
14 or function other than the purposes and functions
15 designated in the final rules issued under paragraph
16 (3) of section 6(f) of the Wireless Communications
17 and Public Safety Act of 1999, as added by this Act,
18 as purposes and functions for which the obligation
19 or expenditure of such a fee or charge is acceptable.

20 (5) STATE OR TAXING JURISDICTION.—The
21 term “State or taxing jurisdiction” has the meaning
22 given such term in subparagraph (D) of paragraph
23 (3) of section 6(f) of the Wireless Communications
24 and Public Safety Act of 1999, as added by this Act.

Amend the title so as to read: “A bill to repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9–1–1 obligations or expenditures, and for other purposes.”.

